

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

RACHELE NICHOLE CONBOY
1365 Kalaniahole Avenue, Apt. 107
Hilo, Hawaii 96720

Registered Nurse License No. 663395

Respondent.

Case No. 2007-170

OAH No. 2007040223

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 18, 2007.

It is so ORDERED October 18, 2007.

LaTranese W. Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

ORIGINAL

EDMUND G. BROWN JR., Attorney General
of the State of California
ARTHUR TAGGART,
Supervising Deputy Attorney General
STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 323-3795
Facsimile: (916) 324-5567

Attorneys for Complainant

**BEFORE THE
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DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

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Hilo, Hawaii 96720

Registered Nurse License No. 663395

Respondent.

Case No. 2007-170

OAH No. 2007040223

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H, R.N (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
by Sterling A. Smith, Deputy Attorney General.

2. Respondent RACHELE NICHOLE CONBOY (Respondent) is
representing herself in this proceeding and has chosen not to exercise her right to be represented
by counsel. Respondent has provided 1365 Kalanialahole Avenue, Apt. 107, Hilo, Hawaii 96720
as her mailing address for the purposes of these proceedings and this stipulation.

3. On or about August 15, 2005, the Board of Registered Nursing issued Registered Nurse License No. 663395 to Respondent. The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-170 and expired on November 30, 2006.

JURISDICTION

4. Accusation No. 2007-170 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-170 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-170. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-170.

9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the

1 Disciplinary Order below.

2 CIRCUMSTANCES IN MITIGATION

3 10. Since the 2005 occurrence of the incidents alleged in the Accusation,
4 Respondent has been employed as a registered nurse in Hawaii, where she resides and works at
5 this time. Respondent provided to the Board formal assessments received from her employers
6 showing that as a registered nurse, she meets or exceeds work expectations. Letters provided by
7 supervisors and co-workers similarly attest to Respondent's competence and reliability as a
8 registered nurse at Hilo Medical Center, Hawaii. Although Respondent's previous employers
9 refused to divulge the results of Respondent's drug screen, Respondent was able to provide a
10 2006 drug screen showing that her blood tested free of alcohol and drugs.

11 Respondent has never been the subject of any disciplinary action and was twenty-five
12 years old at the time of the violations alleged in the Accusation. She admitted responsibility at
13 an early stage in the proceedings.

14 CONTINGENCY

15 11. This stipulation shall be subject to approval by the Board. Respondent
16 understands and agrees that counsel for Complainant and the staff of the Board of Registered
17 Nursing may communicate directly with the Board regarding this stipulation and settlement,
18 without notice to or participation by Respondent. By signing the stipulation, Respondent
19 understands and agrees that she may not withdraw her agreement or seek to rescind the
20 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
21 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
22 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
23 the parties, and the Board shall not be disqualified from further action by having considered this
24 matter.

25 OTHER MATTERS

26 12. The parties understand and agree that facsimile copies of this Stipulated
27 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
28 force and effect as the originals.

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1 Upon successful completion of probation, Respondent's license shall be fully
2 restored.

3 **3. Report in Person.** Respondent, during the period of probation, shall
4 appear in person at interviews/meetings as directed by the Board or its designated
5 representatives.

6 **4. Residency, Practice, or Licensure Outside of State.** Periods of
7 residency or practice as a registered nurse outside of California shall not apply toward a reduction
8 of this probation time period. Respondent's probation is tolled, if and when she resides outside
9 of California. Respondent must provide written notice to the Board within 15 days of any change
10 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
11 returning to practice in this state.

12 Respondent shall provide a list of all states and territories where she has ever been
13 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
14 provide information regarding the status of each license and any changes in such license status
15 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
16 new nursing license during the term of probation.

17 **5. Submit Written Reports.** Respondent, during the period of probation,
18 shall submit or cause to be submitted such written reports/declarations and verification of actions
19 under penalty of perjury, as required by the Board. These reports/declarations shall contain
20 statements relative to Respondent's compliance with all the conditions of the Board's Probation
21 Program. Respondent shall immediately execute all release of information forms as may be
22 required by the Board or its representatives.

23 Respondent shall provide a copy of this Decision to the nursing regulatory agency
24 in every state and territory in which she has a registered nurse license.

25 **6. Function as a Registered Nurse.** Respondent, during the period of
26 probation, shall engage in the practice of registered nursing in California for a minimum of 24
27 hours per week for 6 consecutive months or as determined by the Board.

28 For purposes of compliance with the section, "engage in the practice of registered

nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. Employment Approval and Reporting Requirements. Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

8. Supervision. Respondent shall obtain prior approval from the Board regarding Respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

1 Respondent shall practice only under the direct supervision of a registered nurse
2 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
3 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
4 are approved.

5 Respondent's level of supervision and/or collaboration may include, but is not
6 limited to the following:

7 (a) Maximum - The individual providing supervision and/or collaboration is
8 present in the patient care area or in any other work setting at all times.

9 (b) Moderate - The individual providing supervision and/or collaboration is in
10 the patient care unit or in any other work setting at least half the hours Respondent works.

11 (c) Minimum - The individual providing supervision and/or collaboration has
12 person-to-person communication with Respondent at least twice during each shift worked.

13 (d) Home Health Care - If Respondent is approved to work in the home health
14 care setting, the individual providing supervision and/or collaboration shall have person-to-
15 person communication with Respondent as required by the Board each work day. Respondent
16 shall maintain telephone or other telecommunication contact with the individual providing
17 supervision and/or collaboration as required by the Board during each work day. The individual
18 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
19 site visits to patients' homes visited by Respondent with or without Respondent present.

20 9. **Employment Limitations.** Respondent shall not work for a nurse's
21 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
22 traveling nurse, or for an in-house nursing pool.

23 Respondent shall not work for a licensed home health agency as a visiting nurse
24 unless the registered nursing supervision and other protections for home visits have been
25 approved by the Board. Respondent shall not work in any other registered nursing occupation
26 where home visits are required.

27 Respondent shall not work in any health care setting as a supervisor of registered
28 nurses. The Board may additionally restrict Respondent from supervising licensed vocational

1 nurses and/or un-licensed assistive personnel on a case-by-case basis.

2 Respondent shall not work as a faculty member in an approved school of nursing
3 or as an instructor in a Board approved continuing education program.

4 Respondent shall work only on a regularly assigned, identified and predetermined
5 worksite(s) and shall not work in a float capacity.

6 If Respondent is working or intends to work in excess of 40 hours per week, the
7 Board may request documentation to determine whether there should be restrictions on the hours
8 of work.

9 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
10 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
11 than six months prior to the end of her probationary term.

12 Respondent shall obtain prior approval from the Board before enrolling in the
13 course(s). Respondent shall submit to the Board the original transcripts or certificates of
14 completion for the above required course(s). The Board shall return the original documents to
15 Respondent after photocopying them for its records.

16 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
17 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
18 amount of \$6,500.00. Respondent shall be permitted to pay these costs in a payment plan
19 approved by the Board, with payments to be completed no later than three months prior to the
20 end of the probation term.

21 If Respondent has not complied with this condition during the probationary term,
22 and Respondent has presented sufficient documentation of her good faith efforts to comply with
23 this condition, and if no other conditions have been violated, the Board, in its discretion, may
24 grant an extension of Respondent's probation period up to one year without further hearing in
25 order to comply with this condition. During the one year extension, all original conditions of
26 probation will apply.

27 12. **Violation of Probation.** If Respondent violates the conditions of her
28 probation, the Board after giving Respondent notice and an opportunity to be heard, may set

1 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
2 license.

3 If during the period of probation, an accusation or petition to revoke probation has
4 been filed against Respondent's license or the Attorney General's Office has been requested to
5 prepare an accusation or petition to revoke probation against Respondent's license, the
6 probationary period shall automatically be extended and shall not expire until the accusation or
7 petition has been acted upon by the Board.

8 13. **License Surrender.** During Respondent's term of probation, if she ceases
9 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
10 probation, Respondent may surrender her license to the Board. The Board reserves the right to
11 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
12 take any other action deemed appropriate and reasonable under the circumstances, without
13 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
14 will no longer be subject to the conditions of probation.

15 Surrender of Respondent's license shall be considered a disciplinary action and
16 shall become a part of Respondent's license history with the Board. A registered nurse whose
17 license has been surrendered may petition the Board for reinstatement no sooner than the
18 following minimum periods from the effective date of the disciplinary decision:

19 (1) Two years for reinstatement of a license that was surrendered for any
20 reason other than a mental or physical illness; or

21 (2) One year for a license surrendered for a mental or physical illness.

22 14. **Physical Examination.** Within 45 days of the effective date of this
23 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or
24 physician assistant, who is approved by the Board before the assessment is performed, submit an
25 assessment of the Respondent's physical condition and capability to perform the duties of a
26 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
27 medically determined, a recommended treatment program will be instituted and followed by the
28 Respondent with the physician, nurse practitioner, or physician assistant providing written

1 reports to the Board on forms provided by the Board.

2 If Respondent is determined to be unable to practice safely as a registered nurse,
3 the licensed physician, nurse practitioner, or physician assistant making this determination shall
4 immediately notify the Board and Respondent by telephone, and the Board shall request that the
5 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
6 shall immediately cease practice and shall not resume practice until notified by the Board.
7 During this period of suspension, Respondent shall not engage in any practice for which a license
8 issued by the Board is required until the Board has notified Respondent that a medical
9 determination permits Respondent to resume practice. This period of suspension will not apply
10 to the reduction of this probationary time period.

11 If Respondent fails to have the above assessment submitted to the Board within
12 the 45-day requirement, Respondent shall immediately cease practice and shall not resume
13 practice until notified by the Board. This period of suspension will not apply to the reduction of
14 this probationary time period. The Board may waive or postpone this suspension only if
15 significant, documented evidence of mitigation is provided. Such evidence must establish good
16 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be
17 provided. Only one such waiver or extension may be permitted.

18 **15. Participate in Treatment/Rehabilitation Program for Chemical**
19 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary
20 period or shall have successfully completed prior to commencement of probation a Board-
21 approved treatment/rehabilitation program of at least six months duration. As required, reports
22 shall be submitted by the program on forms provided by the Board. If Respondent has not
23 completed a Board-approved treatment/rehabilitation program prior to commencement of
24 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in
25 a program. If a program is not successfully completed within the first nine months of probation,
26 the Board shall consider Respondent in violation of probation.

27 Based on Board recommendation, each week Respondent shall be required to
28 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics

1 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
2 by the Board. If a nurse support group is not available, an additional 12-step meeting or
3 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
4 such attendance to the Board during the entire period of probation. Respondent shall continue
5 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
6 mental health examiner and/or other ongoing recovery groups.

7 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent
8 shall completely abstain from the possession, injection or consumption by any route of all
9 controlled substances and all psychotropic (mood altering) drugs, including alcohol, except when
10 the same are ordered by a health care professional legally authorized to do so as part of
11 documented medical treatment. Respondent shall have sent to the Board, in writing and within
12 fourteen (14) days, by the prescribing health professional, a report identifying the medication,
13 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the
14 medication will no longer be required, and the effect on the recovery plan, if appropriate.

15 Respondent shall identify for the Board a single physician, nurse practitioner or
16 physician assistant who shall be aware of Respondent's history of substance abuse and will
17 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled
18 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician
19 assistant shall report to the Board on a quarterly basis Respondent's compliance with this
20 condition. If any substances considered addictive have been prescribed, the report shall identify a
21 program for the time limited use of any such substances.

22 The Board may require the single coordinating physician, nurse practitioner, or
23 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in
24 addictive medicine.

25 **17. Submit to Tests and Samples.** Respondent, at her expense, shall
26 participate in a random, biological fluid testing or a drug screening program which the Board
27 approves. The length of time and frequency will be subject to approval by the Board.
28 Respondent is responsible for keeping the Board informed of Respondent's current telephone

1 number at all times. Respondent shall also ensure that messages may be left at the telephone
2 number when she is not available and ensure that reports are submitted directly by the testing
3 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately
4 to the Board by the program and Respondent shall be considered in violation of probation.

5 In addition, Respondent, at any time during the period of probation, shall fully
6 cooperate with the Board or any of its representatives, and shall, when requested, submit to such
7 tests and samples as the Board or its representatives may require for the detection of alcohol,
8 narcotics, hypnotics, dangerous drugs, or other controlled substances.

9 If Respondent has a positive drug screen for any substance not legally authorized
10 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the
11 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent
12 from practice pending the final decision on the petition to revoke probation or the accusation.
13 This period of suspension will not apply to the reduction of this probationary time period.

14 If Respondent fails to participate in a random, biological fluid testing or drug
15 screening program within the specified time frame, Respondent shall immediately cease practice
16 and shall not resume practice until notified by the Board. After taking into account documented
17 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the
18 Board may suspend Respondent from practice pending the final decision on the petition to
19 revoke probation or the accusation. This period of suspension will not apply to the reduction of
20 this probationary time period.

21 18. **Mental Health Examination.** Respondent shall, within 45 days of the
22 effective date of this Decision, have a mental health examination including psychological testing
23 as appropriate to determine her capability to perform the duties of a registered nurse. The
24 examination will be performed by a psychiatrist, psychologist or other licensed mental health
25 practitioner approved by the Board. The examining mental health practitioner will submit a
26 written report of that assessment and recommendations to the Board. All costs are the
27 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
28 result of the mental health examination will be instituted and followed by Respondent.

If Respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and Respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified Respondent that a mental health determination permits Respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If Respondent fails to have the above assessment submitted to the Board within the 45-day requirement, Respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate in an on-going counseling program until such time as the Board releases her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,

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1 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

2 DATED: 8/21/07.


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4 
5 RACHELE NICHOLE CONBOY,
6 Respondent

7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
10 Affairs.

11
12 DATED: August 24, 2007

13 EDMUND G. BROWN JR., Attorney General
14 of the State of California

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16
17 
18 STERLING A. SMITH
19 Deputy Attorney General

20 Attorneys for Complainant

21 DOJ Matter ID: SA2006102033
22 Stipulated Settlement and Disciplinary Order.wpd

Exhibit A
Accusation No. 2007-170

1 BILL LOCKYER, Attorney General
of the State of California
2 STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-0378
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-170

12 **RACHELE NICHOLE CONBOY, aka**
13 **RACHELE N. CONBOY, aka**
RACHELE CONBOY
52 Woodsmill Drive
14 Sherman, Illinois 62684 and/or
15 2200 Standiford Street
Modesto, California 95305
16 Registered Nurse License No. 663395

A C C U S A T I O N

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about August 15, 2005, the Board issued Registered Nurse License
26 Number 663395 ("license") to Rachele Nichole Conboy, also known as Rachele N. Conboy and
27 Rachele Conboy ("Respondent"). The license will expire on November 30, 2006, unless
28 renewed.

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1 or injurious to himself or herself, any other person, or the public or the extent that such use
2 impairs his or her ability to conduct with safety to the public the practice authorized by his
or her license.

3 (c) Be convicted of a criminal offense involving the prescription, consumption,
4 or self-administration of any of the substances described in subdivisions (a) and (b) of this
5 section, or the possession of, or falsification of a record pertaining to, the substances
described in subdivision (a) of this section, in which event the record of the conviction is
conclusive evidence thereof.

6 **COST RECOVERY**

7 8. Code section 125.3 provides, in pertinent part, that the Board may request
8 the administrative law judge to direct a licensee found to have committed a violation or
9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
10 and enforcement of the case.

11 9. **DRUG**

12 "Cocaine," is a Schedule II controlled substance as designated by Health and
13 Safety Code section 11055, subdivision (b)(6).

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Criminal Conviction)**

16 10. Respondent is subject to disciplinary action under Code section 2761,
17 subdivision (f), in that on or about January 26, 2006, in the Superior Court of California, County
18 of Santa Barbara, in the case entitled, *People of the State of California v. Rachele Conboy* (Super.
19 Ct. Figueroa Division, Santa Barbara County, 2005, Case No. 1207656), Respondent was
20 convicted on her plea of no contest of violating Vehicle Code section 23152, subdivision (b)
21 (Driving While Having an .08% or Higher Blood Alcohol Content), a misdemeanor. Such crime
22 is substantially related to the functions, duties, and qualifications of a registered nurse.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Conviction of a Crime Involving an Alcoholic Beverage)**

25 11. Respondent is subject to disciplinary action under Code section 2761,
26 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
27 subdivision (c), in that Respondent was convicted of a crime involving an alcoholic beverage, as
28 set forth in paragraph 10, above.

1 **THIRD CAUSE FOR DICIPLINE**

2 **(Use an Alcoholic Beverage in a Manner Dangerous or Injurious)**

3 12. Respondent is subject to disciplinary action under Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
5 subdivision (b), in that Respondent used an alcoholic beverage to an extent or in a manner
6 dangerous or injurious to herself, as set forth in paragraph 10, above.

7 **FOURTH CAUSE FOR DICIPLINE**

8 **(Self-administered a Controlled Substance)**


9 13. Respondent is subject to disciplinary action under Code section 2761,
10 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
11 subdivision (a), in that on or about July 19, 2005, Respondent self-administered Cocaine, a
12 Schedule II controlled substance.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 663395 issued
17 to Rachele Nichole Conboy, also known as Rachele N. Conboy and Rachele Conboy;
18 2. Ordering Rachele Nichole Conboy, also known as Rachele N. Conboy and
19 Rachele Conboy to pay the Board the reasonable costs of the investigation and enforcement of this
20 case pursuant to Code section 125.3; and,
21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 12/18/06

24 
25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant